

## Message Text

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ACTION DLOS-06

INFO OCT-01 EA-07 ISO-00 FEA-01 ACDA-07 AGRE-00 AID-05  
CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00  
DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01  
INR-07 INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05  
NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15  
USIA-06 SAL-01 AF-08 ARA-06 EUR-12 NEA-10 /152 W  
-----120729Z 014172 /16

R 120501Z JAN 77

FM AMEMBASSY JAKARTA

TO SECSTATE WASHDC 8685

C O N F I D E N T I A L JAKARTA 0534

E.O. 11652: GDS

TAGS: PLOS, ID

SUBJECT: INTERSESSIONAL CONSULTATIONS ON LOS

REF: (A) 76 STATE 298001, (B) 76 JAKARTA 15937

1. SUMMARY. IN RECENT CONVERSATIONS ON LAW OF SEA MATTERS, WE FOUND MINISTER OF JUSTICE MOCHTAR KUSUMAATMADJA AND FONDEPT, DEPT OF MINES AND DEPT OF COMMUNICATIONS REPRESENTATIVES OF GOI LOS DELEGATION GENERALLY ANXIOUS TO BREAK DEADLOCKS IN LOS NEGOTIATIONS BUT DOUBTFUL THAT THIS CAN BE ACCOMPLISHED IN NEXT SESSION. ALTHOUGH HE IS REPORTEDLY BEING PRESSED BY FONDEPT REPS TO SUPPORT MORE OPENLY US COMPROMISE PROPOSALS ON DEEP SEABEDS, MOCHTAR SAW GOI TAKING BACK SEAT ROLE IN NEXT SESSION. END SUMMARY.

2. MOCHTAR TOLD AMBASSADOR ON JAN 5 THAT GAP IN COMMITTEE I ON DEEP SEABEDS EXPLORATION IS SO WIDE THAT AT LEAST ANOTHER THREE SESSIONS WOULD BE REQUIRED TO BREACH IT. IT WOULD TAKE A MIRACLE IN THE FORM OF EITHER THE US OR INDIA GIVING WAY TO REACH AGREEMENT IN ONE SESSION, HE ADDED. SECRETARY KISSINGER'S SEABED PROPOSALS WERE INAUSPICIOUSLY TIMED AND PRESENTED IN WHAT MANY

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DELEGATIONS FELT TO BE AN OFF-HAND MANNER, MOCHTAR COMPLAINED. HE POINTED OUT THAT HE HAD NOT SEEN US PROPOSALS DETAILED IN WRITING AND WOULD WELCOME A CHANCE TO STUDY A US DRAFT BEFORE NEXT SESSION. COMMENTAC WE RECOMMEND THAT US DELEGATION IN PLANNED FEBRUARY INTERSESSIONAL CONSULTATIONS HERE BE PREPARED TO PROVIDE MOCHTAR WITH WRITTEN ELABORATION OF OUR SEABEDS PROPOSALS INCLUDING "PRINCIPLES FOR FINANCIAL PROGRAM FOR

THE ENTERPRISE" SUBMITTED TO GROUP OF FIVE.

3. WHEN ASKED WHAT GOI MIGHT DO TO HELP BREAK COMMITTEE I DEAD-LOCK, MOCHTAR SAID HIS DELEGATION SHOULD CONTINUE TO TAKE A BACK SEAT. GOI PARTICIPATION IN COMMITTEE I CHAIRMAN ENGO'S DRAFTING OF RSNT BEFORE LAST SESSION, ALTHOUGH NOT REGRETTEED, HAD PLACED STIGMA ON GOI WHICH MUST BE LIVED DOWN BEFORE GOI CAN RESUME AN ACTIVE ROLE AMONG G-77. FONDEPT LEGAL DIRECTOR SUFRI JUSUF IN EARLIER CONVERSATION DISAGREED THAT GOI RISKED G-77 ANGER BY MORE ACTIVE ROLE ON THIS ISSUE AND SAID HE STILL HOPED TO PERSUADE MOCHTAR TO SUPPORT OPENLY US COMPROMISE. AS FURTHER ARGUMENT FOR LOW GOI POSTURE MOCHTAR SAID DEATH OF ONE OF HIS MINING EXPERTS (MANOE) AND TRANSFER OF ANOTHER (HARSONO) HAD SERIOUSLY REDUCED CAPABILITY OF GOI REPS IN COMMITTEE I. MINISTRY OF MINES REP IN SEPARATE MEETING CONFIRMED THAT GOI TECHNICAL EXPERTISE IN COMMITTEE I WOULD BE WEAK.

4. AS FOR US STRATEGY IN COMMITTEE I, MOCHTAR RECOMMENDED ATTEMPTS TO MODERATE EXTREMISTS' STANCE. CONTACT WITH ALGERIA SEEMED NOT TO BE PRODUCTIVE, HE SAID, BUT US MIGHT TRY TO TALK TO INDIANS. SUFRI JUSUF IN SEPARATE CONVERSATION SUGGESTED THAT US SHIFT EMPHASIS FROM TECHNICAL ARGUMENTS TO DIPLOMATIC CULTIVATION OF G-77 MEMBERS. MOCHTAR SAID PROGRESS MIGHT BE MORE RAPID IF COMMITTEE I CHAIRMAN ENGO WERE REMOVED, CLAIMING DCM'S SELF-AGRANDIZING METHODS HAD MADE HIM UNPOPULAR WITH G-77.

5. MOCHTAR INDICATED THAT GOI WOULD NOT MOVE FROM ITS POSITION  
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THAT ECONOMIC ZONE WAS NEITHER HIGH SEAS NOR TERRITORIAL WATERS BUT SUI GENERIS, ARGUING THAT LATTER CLASSIFICATION "LEAVES ROOM FOR BILATERAL NEGOTIATION." MOCHTAR ACCUSED US IN THIS AND OTHER INSTANCES OF INSISTING ON LEGAL PRECISION WHERE IMPRECISION WAS REQUIRED, AND WONDERED WHETHER OUR GOVERNMENT WAS NOT OVERLY INFLUENCED BY LAWYERS. AMBASSADOR EMPHASIZED THAT US ADMINISTRATION COULD NOT PRESENT TO THE SENATE A TREATY WHICH DOES NOT CLEARLY SPECIFY HOW OUR SHIPS AND ENTERPRISES CAN OPERATE.

6. MOCHTAR INDICATED THAT MALAYSIAN REOPENING OF STRAITS ARTICLES HAD CAUGHT INDONESIANS BY SURPRISE AND HESITATED TO PREDICT WHAT MALAYSIAN POSITION MIGHT BE IN NEXT SESSION. WHILE NOTING THAT INDONESIA AND MALAYSIA SAW EYE-TO-EYE ON NEED TO AVERT POLLUTION IN THE STRAITS, MOCHTAR PREDICTED THAT USG WOULD FIND GOI MORE FLEXIBLE THAN GOM ON STRAITS ARTICLES.

7. MOCHTAR DID NOT DISCUSS GOI POSITION ON ARCHIPELAGO ARTICLES, WHICH ALREADY WELL KNOWN TO US, OTHER THAN TO

REPEAT THAT HE WAS IRRITATED BY REFERENCE TO SOVIET POSITION IN FONMIN

ADAM MALIK'S RECENT LETTER ON LOS TO SECRETARY KISSINGER, (JAKARTA 15468) HE REVEALED THAT THIS WAS A BREACH OF PERSONAL UNDERSTANDING MOCHTAR HAD WITH USSR NEGOTIATORS. SUFRI JUSUF, APPARENTLY A DRAFTER OF THIS LETTER, DENIED IN SEPARATE CONVERSATION THAT THIS REFERENCE WAS IN ANY WAY DESIGNED TO PLAY SOVIET UNION OFF AGAINST US AND REMARKED THAT PRESIDENT SUHARTO HAD "ORDERED" GOI DELEGATION TO STAY ON US SIDE OF FENCE. MINISTRY OF COMMUNICATIONS REP (SANITIOSO) EMPHASIZED THAT HIS MINISTRY IS PRIMARILY INTERESTED IN CONFINING ARCHIPELAGIC CIVIL AIR PASSAGE TO CHICAGO CONVENTION AIRWAYS. AIR SAFETY IS COMMUNICATIONS DEPT PRIMARY CONDUCT HE EXPLAINED, BECAUSE ARCHIPELAGO SEA LANES WOULD TRANSECT ESTABLISHED CIVIL AIRWAYS. FONDEPT'S SUFRI JUSUF SAID THAT GOI DESIRE TO PREVENT PRC VESSELS FROM APPROACHING INDONESIAN ISLANDS WAS ONE OF MAIN REASONS GOI WAS INSISTING ON NARROW  
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ARCHIPELAGIC SEA LANES. HE REITERATED THAT GOI WOULD BILATERALLY EXTEND SEA LANE WIDTH FOR US SHIPS BUT THAT IN MULTILATERAL CONVENTION IT MUST TAKE INTO ACCOUNT PROBABILITY THAT ITS NEAREST POTENTIAL ENEMY WILL EVENTUALLY DEVELOP SIZEABLE NAVAL FLEET.

8. ON RESOLUTION OF DISPUTES, MOCHTAR STATED THAT GOI IS MOVING TOWARDS ACCEPTANCE OF COMPULSORY SETTLEMENT PREFERABLY BY ARBITRATION. IN ANY EVENT, MOCHTAR SAID, IT IS TOO EARLY TO TALK ABOUT PART IV UNTIL THERE IS MORE EVIDENCE THAT WE WILL HAVE A CONVENTION UNDER WHICH DISPUTES MIGHT ARISE.  
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## Message Attributes

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